



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

THE HON`BLE MS.JUSTICE P.T.ASHA

CMP.No.12119 of 2021
in S.A.NO.563 of 2021

1 KASTHURI [PETITIONER]
W/O.KUPPAN @ RAMASAMY,
HINDU, AGED ABOUT 62 YEARS,
RESIDING AT NO.59, BAJANAMADAM STREET,
MANJINI NAGAR, MUTHIALPET PONDICHERRY,
POWER OF ATTORNEY AGENT OF
KUPPAN @ RAMASAMY, S/O. ELUMALAI,
HINDU AGED ABOUT 62 YEARS,
RESIDING AT NO.59, BAJANAMADAM STREET,
MANJINI NAGAR, MUTHIALPET, PONDICHERRY.

Vs

RAMAYEE, (DIED), REP. BY LRS.

1. RAJENDRAN @ RASSOUCONNU [RESPONDENTS]
2 VIJAYA @ CANNIAMMAL
3 GOVINDHAN @ CANNIAPPIN
4 KARTHICK @ CANNIAPPIN
5 CANNIAMMAL
6 SARAVANAN
7 THE DEPUTY COLLECTOR REVENUE (NORTH),
HAVING OFFICE AT SARAM, PONDICHERRY.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to ad interim injunction restraining the respondents 1-5 and their agents, henchmen from alienating and encumbering the schedule mentioned property to any other third party which is the subject matter of OS.159/1999 on the file of Principal Sub Judge, Pondicherry (CMP.NO.12119/2021)



WEB COPY

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.U.KARUNAKARAN, Advocate for the petitioner and of M/S.K.S.KARTHIK RAJA, Advocate (caveator) on behalf of the Respondents, the court made the following order:-

The above application has been filed for an ad interim injunction restraining the respondents 1 to 5, their agents, henchmen from alienating and encumbering the schedule mentioned property, which is the subject matter of the suit in O.S.No.159 of 1999 on the file of the Principal Sub Judge, Puducherry, pending disposal of the above Second Appeal.

2.The learned counsel for the Respondents/Caveators is present.

3.The learned counsel for the petitioner/appellant would submit that after passing the judgment and decree of the lower appellate Court, steps have been taken to sell the property by the defendants. The suit was filed by the appellant for specific performance. The suit was filed in the year 1999. On account of the non-filing of a written statement by the defendants, an exparte decree came to be passed in the year 2006. Thereafter, the defendants had filed an application for setting aside the ex-parte decree and the same is allowed. In 2008, the written statement has been filed. In the written statement, the defendants have at the outset denied the execution of the power of attorney in favour of the first defendant by the second defendant. The defendants had taken a stand that they had gone to the Sub Registrar Office in connection with a lorry business of the first defendant and at that time, the plaintiff had fraudulently obtained the signature. Nothing is stated as to when they came to know the reason for executing the power of attorney in favour of the plaintiff. That apart, the Courts below have concurrently found that the appellant/plaintiff had proved the execution of the power of attorney and the agreement of sale by the first defendant as power agent of the second defendant prior to its cancellation. It is also brought to the notice of this Court that the application has been filed by the third parties claiming a right over the property. In these circumstances, I am of the view that there is a possibility of the respondents attempting to alienate the suit property pending the Second Appeal. Hence, there shall be an order of interim injunction restraining the respondents 1 to 5 from alienating and encumbering the suit schedule property till the disposal of the Second Appeal.

-sd/-

12/08/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE PRINCIPAL DISTRICT JUDGE,
PUDUCHERRY.

2 THE PRINCIPAL SUBORDINATE
JUDGE, PUDUCHERRY.

+3 C.C. to M/S.U.KARUNAKARAN, Advocate SR.NO. 4544/2021

Order
in

CMP.No.12119 of 2021

in S.A.NO.563 of 2021

Date :12/08/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
TP 25/08/2021